

WAGSTAFF LAW FIRM

Sommer D. Luther (pro hac vice)
940 Lincoln Street
Denver, CO 80203
Tel: (720) 208-9417
Fax: (303) 376-6361
sluther@wagstafflawfirm.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF SOMMER D. LUTHER
IN SUPPORT OF PLAINTIFF T.L.'S
MOTION TO COMPEL THE COMFY
PLACE TO COMPLY WITH SUBPOENA
AND PRODUCE DOCUMENTS**

This Document Relates to:

T.L. v. Uber Technologies, Inc., et al., No.
3:24-cv-09217-CRB

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

I, Sommer D. Luther, declare as follows:

I am an attorney with Wagstaff Law Firm, counsel for Plaintiff T.L. in this matter. I have personal knowledge of the facts stated below and, if called as a witness, could testify competently thereto. I respectfully submit the following in support of Plaintiff T.L.'s Notice of Motion and Motion to Compel Third-Party, The Comfy Place, to Comply with Subpoena and Produce Documents (Dkt. 4292) ("Motion to Compel"):

1. On September 25, 2025, Plaintiff in this action issued a subpoena to The Comfy Place pursuant to Federal Rule of Civil Procedure 45, requesting production of Plaintiff's mental-health treatment records limited to the period relevant to the claims in this litigation. A true and correct copy of

1 that subpoena is attached as Exhibit A to the Motion to Compel (Dkt. 4292-1).

2 2. The subpoena was properly served on October 6, 2025, at The Comfy Place's address
3 upon an authorized employee, Sydney Caberar, as reflected in the Proof of Service. A true and correct
4 copy of the Proof of Service is attached as Exhibit B to the Motion to Compel (Dkt. 4291-2).

5 3. The subpoena was not my office's first attempt to obtain these records. From December
6 2024 to October 2025, my office and our third-party record-retrieval vendor have made more dozens of
7 attempts to obtain these records, including by sending letters, faxes, emails, and by making over forty
8 telephone calls to The Comfy Place and its CEO, Lisa Ibekwe.

9 4. Plaintiff executed a valid HIPAA authorization, consistent with Pretrial Order No. 10, to
10 facilitate lawful production of the requested records.

11 5. On July 8, 2025, I sent a final demand letter to The Comfy Place requesting compliance
12 before seeking court intervention. No response was received.


13 6. To date, The Comfy Place has failed to produce the requested records or otherwise comply
14 with the subpoena. While some Comfy Place personnel have answered my office's calls, those personnel
15 have been unable to respond our requests for records and have instead assured us that other Comfy Place
16 employees would respond to us. No such follow-up has been received via phone, email, letter, or fax. In
17 particular, we have been referred to The Comfy Place's owner and/or founder, Lisa Ibekwe. She has not
18 responded to our calls or correspondence.

19 7. I am unaware of whether The Comfy Place is represented by counsel. I have not been
20 contacted by any attorney on behalf of The Comfy Place.

21 8. I believe that court intervention is necessary to obtain relevant evidence concerning
22 Plaintiff's treatment.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on November 5, 2025, in Denver, Colorado.

25 
26 _____
Sommer D. Luther

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system. A separate proof of service will be filed reflecting service on The Comfy Place. *See* Dkt. 4304.

Dated: November 5, 2025

/s/ Sommer D. Luther
WAGSTAFF LAW FIRM
Sommer D. Luther, CO 35053
940 Lincoln Street
Denver, CO 80203
Tel: (720) 208-9417
Fax: (303) 376-6361
sluther@wagstafflawfirm.com
Attorney for Plaintiff